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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,493	05/15/2000	NAOKI OKINO	Q58562	2695

7590 03/17/2003

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EXAMINER

KILKENNY, TODD J

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 03/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

19

Advisory Action

Application No.

09/509,493

Applicant(s)

OKINO ET AL.

Examiner

Todd J. Kilkenny

Art Unit

1733

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 February 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 10-23

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Continuation of 5. NOTE:

Applicant's response to the Final Rejection dated 11-19-02 has been entered and considered by the examiner, however, the arguments are not persuasive and the rejections of record are maintained. Applicant's continued assertion that there is no motivation to combine the references of record is not persuasive.

In response to applicant's **First** argument and the secondary reference to Ichikawa, Ichikawa is cited as evidence that metering screws with plungers are conventional extruding means.

In response to applicant's **Second** argument, Biffar et al postively disclose accumulators 4 and 5 (i.e. plungers) can be monitored and controlled such that a desired amount of plastic mass can be extruded at the mouthpiece in a controllable manner, wherein Biffar further recite that "the described flexibility and control make it possible optionally to discharge through mouthpiece (25), and through its mouth cross-section, predefined shapes of a portion of the plastic mass" (English Translation of Biffar; see pg. 4, lines 5 – 19). It is therefore the examiner's position that one of ordinary skill in the art would be motivated to employ a metering screw with plunger as the extruder of Takahashi et al as such provides flexibilty and control in discharging the resin which one of ordinary skill would find readily beneficial in the method of Takahashi et al.

In response to applicant's **Third** argument, the reasoning provided in the Final Rejection that one of ordinary skill in the art would be motivated to employ metering screws with a plunger as the extruder means of Takahashi et al as metering screws with plungers provide more accurate metering of plastic resin is not impermissible hindisght

taken from applicant's own disclosure. The cited disclosure of Biffar et al positively suggests that such extrusion means offer controllability and flexibility in discharging plastic resin to and through a mouthpiece (i.e. a nozzle). This reasoning, which is used as evidence to suggest that one of ordinary skill in the art would be motivated to employ metering screws with plungers to provide for more accurate metering of plastic resin in the extrusion process of Takahashi et al is taken directly from Biffar et al and not applicant's disclosure.

In response to applicant's **Fourth** argument, it remains the examiner's position that Takahashi et al suggest a method for preparing a panel with a resinuous frame, wherein said resinuous frame is extruded from a shaping die in a predetermined shape and pressed via a pressing member, but are silent as to the type of extruder employed, lending suggestion to one of ordinary skill in the art to employ known/conventional extrusion means. The secondary references to Ishikawa et al and Biffar et al are provided as evidence that metering screws with plungers are conventional extruding means. That is, in view of Takahashi et al merely suggesting a generic "extruder" it would have been within the purview of one of ordinary skill in the art to look outside of the teaching of Takahashi et al for extruding means, whereby in view of the conventionalism of metering screws with plungers as evidenced by Ichikawa and Biffar et al and further in view of Biffar et suggesting that such extruding means are controllable and offer flexiblty to define the shape and accuracy of the resin discharged, it would have been obvious to one of ordinary skill in the art at the time of the invention to employ a metering screw with plunger as the "extruder" of Takahashi et al.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Todd J. Kilkenny** whose telephone number is **(703) 305-6386**. The examiner can normally be reached on Mon - Fri (9 - 5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball can be reached on (703) 308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



TJK
March 10, 2003



Michael W. Ball
Supervisory Patent Examiner
Technology Center 1700